

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of

Inventor: Gregory H. PETRAK

Application No.: 09/441,628

Filed: November 16, 1999

Title: PARK BRAKE CABLE SYSTEM
INCLUDING CONNECTOR CLIP



Confirmation No.: 4716

Examiner: V. Luong

Group Art Unit: 3682

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AFFIDAVIT OF GREGORY H. PETRAK

COUNTY OF DENVER)
STATE OF COLORADO) ss
)

I, Gregory H. Petrak, being first duly sworn, state as follows:

1. I am the President of Innovative Systems, Inc. The statements contained in this affidavit are true and correct and are based on my personal knowledge. I am of legal age and competent to swear to this affidavit.

2. On or about January 2003, I learned of the existence of United States Patent No. 4,624,155 (the "155 Patent") through dealings with DaimlerChrysler Corporation ("Chrysler"). Chrysler has licensed the '155 Patent for use on its automobile assembly lines. A copy of the '155 Patent is attached hereto as Exhibit A.

3. Generally, the '155 Patent describes an apparatus for establishing tension in a system at a specific datum value (a "tension limiter"). The tension limiter is attached to a brake pedal at one end and a cable system at the other. According to the '155 Patent, the tension limiter is operated by depressing the brake pedal in order to establish a tension in the system. As the pedal is depressed, tension in the cable system increases. The tension limiter slowly relieves pressure on the system until the tension drops below the datum value.

4. Also on or about January 2003, I learned that Chrysler practices a modification of the subject matter of the '155 Patent.

5. Chrysler's modified method and apparatus for establishing tension in the cable system is as follows. First, Chrysler marks a portion of a rod comprising part of the tension limiter. This portion of the rod is initially visible to an observer. Next, Chrysler depresses the brake pedal, prior to exerting tension on the cabling system. Depressing the brake pedal causes

the marked portion of the rod to be hidden from view by the body of the linkage tensioner. Chrysler then establishes a tension in the cable system while the brake pedal is fully depressed. The brake pedal is then raised, lowering tension in the system, and causing the rod to slide or "creep" out of the linkage tensioner body. Eventually, due to the creeping of the rod, the marked portion of the rod exits the body and comes into view. When the marking is visible, the proper datum value for the system tension has been reached. Accordingly, Chrysler effectively reverses the operation of the '155 Patent.

6. I swear that the foregoing statements are true and accurate.

Gregory H. Petrak
Gregory H. Petrak
President Innovative Systems, Inc.

SUBSCRIBED AND SWORN TO BEFORE ME on this 25 day of November, 2003.

Valerie F. Brown
Notary Public in and for the
State of Colorado, City and County of Denver
My Commission Expires: 10-27-2007